



December 22, 2011

**By Electronic Filing**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**Re: *Ex Parte* Letter; CC Docket No. 99-200**

Dear Ms. Dortch:

A number of entities have recently filed *ex parte* communications regarding the Vonage Holding Corp. ("Vonage") 2005 petition for limited waiver of Section 52.15(g)(2)(i), 47 C.F.R. § 52.15(g)(2)(i), of the Commission's rules ("Petition").<sup>1</sup> The Petition would to allow Vonage to obtain numbering resources directly from the North American Numbering Plan Administrator ("NANPA") and allow Vonage to avoid the obligations, incurred and complied with by every CLEC, of becoming a state-certified or registered common carrier. RNK Inc. d/b/a RNK Communications ("RNK") believes granting this waiver is not in the public interest. Furthermore, RNK agrees with COMPTTEL and Level 3 that the Commission should address this issue through a rulemaking proceeding, instead of the waiver process.

As COMPTTEL correctly notes, the precedent cited by Vonage to support its position is inappropriate in what is more akin to a request for a rule making than a waiver as no "special circumstances" exist.<sup>2</sup> However, no such circumstances exist and such a deviation from the Commission's rules would not be in the public interest. While a rulemaking would be subject to a general proceeding and applicable to a larger class of potential beneficiaries, thru the waiver petition Vonage would obtain for itself a competitive advantage over CLECs and other Interconnected VoIP Providers.

Granting the waiver request would place CLECs and other Interconnected VoIP Providers at a competitive disadvantage with Vonage. CLECs would still be bound by the myriad of obligations associated with being a certificated or registered carrier, while other Interconnected VoIP providers would still be required to seek the assistance of wholesale partners in order to obtain numbering resources. Indeed, it appears that granting the waiver request would necessitate further waiver requests in order for other Interconnected VoIP

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<sup>1</sup> Vonage Holdings Corp. Petition for Limited Waiver, CC Docket No. 99-200, p 3, filed March 4, 2005.

<sup>2</sup> Letter of Brita D. Strandberg, Counsel to Vonage Holdings Company, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 99-200, p 2 (filed Nov. 11, 2011)(Vonage November Ex Parte). (Citing instances where the Commission has granted waivers related to timeframes.).



Providers to remain competitive.<sup>3</sup> Under these circumstances, the Commission should avoid addressing this issue in a piecemeal company specific approach, instead adopting an approach that is competitively neutral and does not place numbering resources in jeopardy or unduly reward some carriers over others.

Moreover, the technical matters associated with implementation and routing this traffic warrant, at the very least, solicitation of further comments from the industry.<sup>4</sup> Failure to do so would likely result in a mandate being imposed on the industry that, while seemingly benign, is in fact fraught with intricacies and traps that would create multiple headaches for carriers at a time when they are already reeling from the Commission's most recent industry changing order on USF and Intercarrier Compensation.<sup>5</sup>

Finally, in RNK's experience, the wholesale number market is competitive and robust. RNK is not aware of any gaps in coverage that cannot be filled upon reasonable terms by Interconnected VoIP Providers by using wholesale partners and the Commission's order concerning VoIP number portability has also greatly assisted Interconnected VoIP providers in the provisioning of their services to the public. Simply stated, there is no pressing need for this relief. The "special circumstances" warranting waivers are not present and this Commission, if it determines to address this matter at all, should address it in a general rulemaking proceeding.

Respectfully submitted,

/s/ Michael S. Tenore

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<sup>3</sup> While RNK has limited its discussions here to Interconnected VoIP and traditional voice services, it can foresee other application providers requesting similar treatment from the Commission.

<sup>4</sup> Ex Parte Letter of Erin Boone of Level 3 Communications, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 99-200 at 2 (filed Dec. 20, 2011).

<sup>5</sup> Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform - Mobility Fund, WC Docket Nos. 10-90, 07-135, 05-337, & 03-109; GN Docket Nos. 09-51; CC Docket Nos. 01-92, 96-45; WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011).